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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,985	03/09/2004	Jeffrey Krantz	3KTECH.001A	6266

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EXAMINER

PHAM, MINH CHAU THI

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 08/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/797,985

Applicant(s)

KRANTZ, JEFFREY

Examiner

Minh-Chau T. Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/13/04 & 8/23/04</u> . | 6) <input type="checkbox"/> Other: ____ |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6-22, 26-28, 31-39, 42, 43, 45 and 46 are rejected under 35 U.S.C. 102(b) as being anticipated by Wells (5,509,853).

Wells teaches a system for removing a pollutant from a roadway comprising a vehicle (17), a pollution trap (12) mounted on the vehicle such that a surface of the pollution trap (12) is exposed to a roadway pollutant (see Fig. 2). The pollutant trap (12) comprises a housing (14) mounted on the underside of the vehicle (17). The vehicle (17) comprises a plurality of wheels (19) and a pollutant liberator which is a fan or blower (see Fig. 3). Wells further teaches the pollution trap (12) can be mounted atop of vehicle's roof, or under, or in front of, to the sides of, or behind a vehicle, or within or upon a vehicle's bed, open or exposed to the ambient air of the atmosphere about it (see col. 3, line 61 through col. 4, line 7).

Claims 19-22 call for a plurality of pollutant traps. It would have been obvious to one having ordinary skill in the art at the time the invention was made to produce a plurality of pollutant traps instead of one, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. St. Regis Paper Co. v. Bemis Co., 193 USPQ 8.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 5, 29, 30, 40, 41 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wells (5,509,853), in view of Wang et al (2002/0139095 A1).

Claims 4, 5, 29, 30, 40, 41 and 44 call for the pollution trap being oleophilic, hydrophobic and having antibiotic coating. Wang et al disclose an oleophobic and hydrophobic filter having both oil repellent and water repellent (page 1, paragraphs 0002, 0004, 0006 and 0017) and the filter can be chemical sterilized or antibioticly coated without losing integrity (page 1, paragraph 0006). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide an oleophilic, hydrophobic with antibiotic coating as taught by Wang et al in the filter apparatus of Wells since it is well known in the art that this type of filter membrane would be effective in oil and water repellent and can be used for health related applications.

Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wells (5,509,853), in view of Miller (6,743,281 B1).

Claims 23-25 call for an indicator to signal when the pollutant trap should be changed. Miller discloses an air filtration indicator (40) for the air filtration system (10) wherein the indicator may be color coded, numeric, or otherwise fashioned to provide an easily readable display with pertinent information for indicating when a filter used for

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filtering particulate matter from air or other fluid needs to be replaced (see col. 1, lines 35-38, col. 2, lines 48-49 and lines 59-64). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide an indicator as taught by Miller in the filter apparatus of Wells since the indicator would help the user to identify when the dirty pollutant trap needs to change out for life.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau T. Pham whose telephone number is (571) 272-1163. The examiner can normally be reached on Mon/Tues/Thur/Fri 7:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Minh-Chau Pham
Patent Examiner
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August 9, 2005